

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MICHAEL GOUGH, et al.,

Plaintiffs,

v.

PEACEHEALTH ST. JOSEPH  
MEDICAL CENTER,

Defendant.

CASE NO. C12-346 RAJ

ORDER

This matter comes before the court on plaintiffs' motion to appoint counsel. Dkt. # 81. On December 30, 2013, the court forwarded plaintiff's complaint and related documents to the pro bono screening committee. The pro bono screening committee recommended appointment of counsel, attached as Exhibit A. The court exercises its discretion to appoint counsel and finds that exceptional circumstances warrant that counsel be appointed to plaintiffs who are legally deaf and would likely have difficulty articulating their claims in light of the complexity of their remaining claim against defendant for violation of the Americans with Disabilities Act ("ADA"). *See Agyeman v. Corrections Corp. of Am.*, 390 F.3d 1101, 1103 (9th Cir. 2004) (decision to appoint

1 counsel rests within sound discretion of trial court and is granted only in exceptional  
2 circumstances).

3 For all the foregoing reasons, the court GRANTS plaintiff's motion for court-  
4 appointed counsel. The Clerk is DIRECTED to identify counsel from the Pro Bono  
5 Panel to represent plaintiffs for the re-trial of their ADA claim. Upon notification from  
6 the Clerk, the undersigned shall appoint the selected attorney to represent plaintiffs in the  
7 re-trial of their ADA claim. Additionally, the parties are directed to read and comply  
8 with the procedures outlined in section 3(g)-(h) of the Pro Bono Plan.<sup>1</sup> The Clerk is also  
9 DIRECTED to send a copy of the Pro Bono Plan to plaintiffs.

10 Dated this 19th day of February, 2014.

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14 The Honorable Richard A. Jones  
15 United States District Judge  
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26 <sup>1</sup> The Pro Bono Plan was most recently amended effective August 1, 2010, and is  
27 available at <http://www.wawd.uscourts.gov/sites/wawd/files/08-12-10GOAdoptingAmendedProBonoPlan.pdf>.